

“Date”

Ms. Barbara G. Baier  
General Counsel  
Louisiana Public Defender Board  
301 Main Street, Suite 700  
Baton Rouge, LA 70825

RE: Ethics Board Docket No. 2021-107

Dear Ms. Baier:

The Louisiana Board of Ethics, at its April 9, 2021 meeting, considered your request for an advisory opinion as to whether Moses Williams, a former member of the Louisiana Public Defender Board can contract with the 6<sup>th</sup> Judicial District Public Defender’s Office to provide criminal defense services for indigent defendants.

### **FACTS PROVIDED**

You provided that the Louisiana Public Defender Board (“LPDB”) is a state agency authorized to regulate the delivery of public defender services throughout Louisiana. You provided that the LPDB administers the Public Defender Fund which supports all 42 judicial district public defender offices as well as supervises the public defender system through on-site evaluations and monitored compliance. You stated that the LPDB contracts with a district defender who manages the public defender services within a district and hires and supervises district personnel. You stated that Moses Williams was a member of the LPDB until his term expired on July 31, 2020 and that he has expressed an interest in contracting with the 6<sup>th</sup> Judicial District Public Defender’s Office to provide criminal defense services for indigent defenders.

### **LAW**

La. R.S. 42:1121A(1) prohibits a former agency head, for a period of two years following the termination of his public service as the head of such agency, from assisting another person, for compensation, in a transaction or in an appearance in connection with a transaction, involving that agency or render any service on a contractual basis to or for such agency.

La. R.S. 42:1121A(2) prohibits a former member of a board or commission, for a period of two years following the termination of his public service on such board or commission, from contracting with, being employed in any capacity by, or being appointed to any position by that board or commission.

La. R.S. 42:1102(3) defines “agency head” to mean the chief executive or administrative officer of an agency who exercises supervision over the agency.

### **CONCLUSION**

The Board concluded and instructed me to inform you, the Code of Governmental Ethics (Ethics Code) would prohibit Moses Williams from rendering any services on a contractual basis to the 6<sup>th</sup> Judicial District Public Defender’s Office, or any of the 42 Judicial District Public Defender Offices for a period of two years from the expiration of his term on the LPDB. Since Mr. Williams was a

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former agency head and a former member of a board or commission, he is prohibited by Section 1121A(1) and (2) from rendering any service on a contractual basis to or for his agency.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Gregory L. Thibodeaux  
For the Board

**DISCLAIMER**  
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.  
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.